

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:24-cv-00278-M-BM

MURDOCK READY MIXED CONCRETE
COMPANY,

Plaintiff,

v.

RITCHIE BROS. AUCTIONEERS
(AMERICA) INC., et al.,

Defendants.

ORDER

This matter comes before the court on Plaintiff's pro se Motion for Leave to File Exhibit B32 [DE 60], Motion to File Discovery Plan [DE 61], Motion for Leave to File Plaintiff's Discovery Plan [DE 63], and Motion to Hold 26(f) Conference in Abeyance [DE 64]. The court has explained twice now that Plaintiff, a corporate entity, may appear in federal court "only through licensed counsel." *Rowland v. Cal. Men's Colony, Unit II Men's Advisory Counsil*, 506 U.S. 194, 202 (1993); *see also* [DE 38, 41]. Plaintiff, undeterred, has continued to submit numerous filings. *See* [DE 40, 58, 60–64]. Because these motions are improperly before the court, they are DENIED WITHOUT PREJUDICE.

On April 2, 2025, the court ordered Plaintiff "to retain counsel and provide the court with appropriate notice of the same on or before May 2, 2025." [DE 38]. It warned that "[f]ailure to comply may result in the dismissal of [Plaintiff's] claims without prejudice." *Id.* at 2. Plaintiff has not retained counsel, as ordered, so its complaint is DISMISSED WITHOUT PREJUDICE. *See Dusange-Hayer v. Karnalyte Res., Inc.*, No. 2:15-4341, 2016 WL 5334682, at *3 (D.S.C. July 29, 2016) (dismissing a corporate plaintiff without prejudice because it failed to obtain counsel);

Carrico v. Village of Sugar Mountaini, 114 F.Supp.2d 422, 424 (W.D.N.C. 2000) (finding that a corporate plaintiff's claims must be dismissed where it does not appear through licensed counsel).

Having dismissed Plaintiff's complaint, Defendants' Motion to Dismiss [DE 55] is DENIED AS MOOT.

SO ORDERED this 23 day of May, 2025.


RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE